IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

C.R.No. 4744 of 2006 (O&M)

Date of decision : 8.9.2006.

Sultan Singh and others.

.....Petitioners.

Versus

Gram Panchayat of village Lathron, District Karnal.

.....Respondent.

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Present: Mr.Deepak Thapar,Advocate
for the petitioners.

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VINOD K. SHARMA, J. (ORAL)

Present revision petition has been filed against the order dated 1.9.2006 passed by the learned Addl. District Judge, Karnal, and order dated 9.6.2006 passed by the learned Civil Judge,Karnal, rejecting the application moved by the petitioner under Order 39 Rules 1 & 2 C.P.C. claiming that it was not open to the Gram Panchayat to change the user of "Charand land" and lease out the same for the agricultural purpose.

The learned Courts below came to the conclusion that it was open to the Gram Panchayat to change the user as also that the Civil Court has no jurisdiction in the matter. On the basis of this, learned Courts below came to the conclusion that petitioners do not have prima facie case or that the balance of convenience was not in their favour and dismissed the application.

The learned counsel for the petitioners contends that a reading of Rule 8 read with Rule 2 of the Punjab Village Common Lands (Regulation) Rules, 1964 would show that it is not open to the Gram Panchayat to change the user. I do not agree with this contention as there is no bar either under Rule 8 or Rule 2 restraining the Gram Panchayat from changing of use of land.

Dismissed.

September 8,2006. **(VINOD K. SHARMA)**
'sp' **JUDGE**